



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC CRACKS DOWN ON "JUNK FAX" VIOLATIONS

Washington, DC – The Federal Communications Commission (FCC) announced it has proposed to fine Fax.com, Inc. \$5,379,000 for sending consumers unsolicited advertising known as "junk faxes." The Commission cited the company for apparently violating the Telephone Consumer Protection Act (TCPA) of 1991 and the Commission's rules.

K. Dane Snowden, Chief of the FCC Consumer & Governmental Affairs Bureau said, "Today's action demonstrates that we hear consumers' complaints, the FCC is dedicated to protecting consumers, and we will not tolerate deceptive or illegal activities targeting the American public through their telephones and fax machines."

"Today's NAL is part of the Commission's ongoing effort to vigorously enforce the ban on unsolicited fax advertising, and is the largest fine proposed to date. We're putting violators on notice that we will aggressively protect the American consumer. We will not tolerate deceptive, misleading, or illegal conduct by advertisers who market by using phones or fax machines," Snowden said.

The FCC has taken numerous enforcement actions, including citations and fines, against companies for violations of the TCPA's prohibition against unsolicited faxes. FCC rules apply to "unsolicited advertising" received on fax machines at businesses and homes.

The FCC took this action in a Notice of Apparent Liability (NAL), finding Fax.com, operating as a fax broadcaster, apparently violated the TCPA and FCC rules 489 times by sending unsolicited fax advertisements to consumers, and by engaging in a pattern of deception to conceal its activity. Fax.com may either pay the fine or challenge the NAL.

In related actions, the FCC is issuing more than 100 citations and letters of inquiry to businesses that used Fax.com, Inc. to fax their advertisements.

Snowden said, "Businesses who use broadcast fax services need to know and follow the rules the FCC has in place to protect consumers from unwanted faxes and telemarketing calls."

Prior to the Fax.com, Inc. action, the FCC had taken enforcement action against at least five other companies for TCPA violations, with aggregate fines exceeding \$1.5 million, and issued citations against more than 70 companies for sending junk faxes.

The Federal Communications Commission regulates the Nation's telecommunications services, including television broadcasts and radio; telephone service, both traditional and wireless; and cable and satellite services.

The Consumer & Governmental Affairs Bureau Web site (www.fcc.gov/cgb) has extensive information of interest to consumers, as well as, many consumer tips. Consumers may call the FCC's Consumer Center with questions or complaints about telecommunications at: 1-888-CALL-FCC (1-888-225-5322) voice; or 1-888-TELL-FCC (1-888-835-5322) TTY.

For information about unsolicited advertising, by telephone or fax, or other issues of interest to consumers, visit our Web site at www.fcc.gov/cgb. To receive information about this or other FCC consumer topics through the Commission's electronic subscriber service, click on: www.fcc.gov/cgb/emailservice.html.

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